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W.P. No.30058 of 2022

N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.30058 of 2022

P.Muthusamy

... Petitioner

Vs

1.Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Rep. By its The Managing Director,
No.12, Ramakrishna Road,
Salem – 7.

2. Tamil Nadu State Transport Employees' Pension Fund Trust,
Rep. By its Administrator,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay the petitioner interest at the rate of 12% per annum for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to pay the amounts towards 30 days of earned leave surrendered by the petitioner, while he was in service and to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions



W.P. No.30058 of 2022

and to refund of contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 12%.

For Petitioner ... Ms. H. Nandhini
For Respondents ... Mr.K. Raja,
Standing counsel for R1
Mr.C.S.K. Sathish,
Standing counsel for R2

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.K. Raja, learned Standing counsel accepts notice for the 1st respondent and Mr.C.S.K. Sathish, learned Government Advocate accepts notice for the 2nd respondent.

3. This writ petition has been filed for a Mandamus seeking for payment of interest for the belated payment towards his terminal and pensionary benefits namely PF, gratuity, commuted value of pension and earned leave salary etc., to the petitioner, within a time frame to be fixed by this Court.

4. Heard Ms. H.Nandhini, learned counsel for the petitioner, Mr.K.Raja, learned Standing counsel for the 1st respondent and Mr.C.S.K.Sathish, learned Standing Counsel, for the 2nd respondent.



W.P. No.30058 of 2022

5. The petitioner has given representation on 08.09.2022 seeking for payment of interest for the belated payment of his terminal and pensionary benefits namely PF, gratuity, commuted value of pension and earned leave salary etc., though he retired from service on 30.06.2018 itself. Since the representation has not been considered till date, he has filed this writ petition.

6. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law. It is settled law as laid down by various decisions of this Court that in case of delayed payment of retirement benefits, the employee is entitled for 4% interest. While passing the final orders, the same may be considered by the respondents.

7. For the forgoing reasons, this Court directs the respondents to pass final orders on the petitioner's representation dated 08.09.2022, seeking for payment of interest for the belated payment of his terminal and pensionary benefits namely PF, gratuity, commuted value of pension and earned leave salary etc., within a period of twelve weeks from the date of receipt of a copy of this order.



W.P. No.30058 of 2022

WEB COPY 8. With the aforesaid direction, the Writ Petition is disposed of. No costs.

14.11.2022

(5/9)

Index: Yes/ No
Internet : Yes / No
Speaking Order/Non-speaking Order
vsi2

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 7.

2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.



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W.P. No.30058 of 2022

ABDUL QUDDHOSE, J.

vsi2

W.P. No.30058 of 2022

14.11.2022

(5/9)